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PUBLIC SERVICE
COMMISSION

April 8, 2008

FEDERAL EXPRESS

Ms. Stephanie Stumbo
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

Re: In the Matter of The Annual Cost Recovery filing for Demand Side
Management by Duke Energy Kentucky, Inc. Case No. 2007-00369

Dear Ms. Stumbo:

I enclose for filing the original and eleven copies of the Northern Kentucky Community Action Commission, Inc.'s Motion to File Response and the NKCAC Response to the Reply of the Kentucky Attorney General.

Please return to me in the enclosed, return-addressed envelope a file stamped copy of these pleadings.

Very truly yours,



Thomas P. Vergamini

TPV:sw

Enclosures

cc: John J. Finnigan, Jr. (w/encl.)
Paul Adams (w/encl.)
Carl Melcher (w/encl.)
Anita L. Mitchell (w/encl.) ✓
Florence W. Tandy (w/encl.)

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PUBLIC SERVICE
COMMISSION

BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION

In The Matter Of:

THE ANNUAL COST RECOVERY)
FILING FOR DEMAND SIDE) CASE NO. 2007-00369
MANAGEMENT BY DUKE ENERGY)
KENTUCKY, INC.)

MOTION OF
NORTHERN KENTUCKY COMMUNITY ACTION COMMISSION
TO AMEND THE PROCEDURAL SCHEDULE TO PERMIT THE FILING OF
REPLY COMMENTS

Pursuant to KRS 278.285, Northern Kentucky Community Action Commission (“NKCAC”) moves the Commission for an Order to amend the current procedural schedule to permit NKCAC to file separate Reply Comments. In support of this Motion, NKCAC states as follows:

1. NKCAC is a statutorily authorized community services commission that provides services to economically disadvantaged persons in an eight county located in the Northern Kentucky region.
2. NKCAC is a member of the Residential Collaborative that is identified in the Duke Energy Application for Annual Cost Recovery Filing for Demand Side Management for Demand Side Management (“Application”), in the above styled proceeding.¹
3. In the certificate of services statements accompanying the pleadings filed in this matter NKCAC is identified as a party to this action.

¹ *In re: The Annual Cost recovery Filing for Demand Side management by Duke Energy Kentucky, Inc.*, Case No., 2007-00369, (Application at 1)(November 15, 2007).

4. On or about February 25, 2008, the Commission issued an Order amending the procedural schedule (“Amended Scheduling Order”) which among other things, established March 24, 2008 as the deadline for Parties to the proceeding to file comments regarding DE-Kentucky’s Application.² The amended procedural schedule did not provide an opportunity for a party, be it NKCAC, Duke Energy-Kentucky (“DE-Kentucky”) or any other Party, to file reply comments.

5. On March 24, 2008, the Office of the Attorney General filed its comments on DE-Kentucky’s Application. NKCAC was surprised at the nature of the remarks made in the Attorney General’s comments. In support of this Motion, NKCAC adopts and incorporates the rationale specifically identified in the comments addressed by DE-Kentucky in its separate Motion requesting a modification of the Scheduling Order to permit reply comments. Members of the Attorney General have attended meetings of the DSM Collaborative for a decade and have been instrumental in developing the programs which are criticized in the Attorney General’s Comments. All of the decisions made regarding DE-Kentucky’s DSM programs have come with the full input of the collaborative members, including the Attorney General’s office.

6. Under the current procedural schedule, there is no opportunity for NKCAC to respond to the Attorney General’s Comments and clarify the record for this Commission’s consideration. NKCAC believes the DE-Kentucky programs identified and submitted through its Application offer a number of benefits to its clients which are either not considered or inaccurately evaluated by the Attorney General.

7. NKCAC submits that the above circumstances constitute good cause to amend the procedural schedule and therefore requests the Commission to amend the procedural

² (Order at Appendix A)(February 25, 2008).

schedule to allow the filing of reply comments. NKCAC is filing its Reply Comments contemporaneously with this Motion. The filing of reply comments will not unreasonably delay the proceeding and will allow the Commission to better evaluate the filing made by DE-Kentucky.

WHEREFORE, NKCAC respectfully requests that the Commission grant the relief requested in this Motion.

Respectfully submitted,

NORTHERN KENTUCKY COMMUNITY
ACTION COMMISSION, INC.

By: 
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CERTIFICATE OF SERVICE

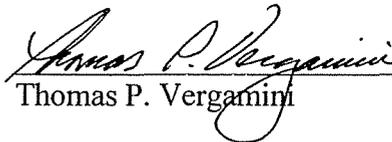
I hereby certify that a copy of the foregoing filing was served on the following via ordinary United States mail, postage prepaid, this 8th day of April, 2008:

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Assistant Attorney General
The Kentucky Office of the Attorney General
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